

Westside Restoration: Heritage Resources Effects Analysis

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For: Idaho Panhandle National Forests
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Introduction

This document details how the Idaho Panhandle National Forest, Bonners Ferry Ranger District, will meet the requirements of the National Historic Preservation Act, Section 106 identification, documentation, protection, and management of historic properties during the project activities of the Westside Integrated Restoration Project. In particular, this report summarizes the existing condition of cultural resources within the Westside Restoration project area, as well as the direct, indirect, and cumulative effects of the proposed actions to cultural resources under each alternative. To thoroughly evaluate effects, the proposed timber extraction, proposed reforestation, culvert replacement, temporary road construction, and road maintenance (brushing and blading), recreation additions and improvement, and all other activities planned will be analyzed. Lastly, alternative consistency with the Forest Plan is summarized.

Issues Addressed

The issues relevant to heritage and cultural resource management identified for detailed analysis are:

Issue 1: The potential for “adverse effects” (as per 36CFR800.5(1)) and “no adverse effects” (36CFR800.5(3)(b)) to Heritage Properties and other managed sites, all of which are non-renewable resources. Heritage Properties and other managed sites are required to be identified, analyzed, and mitigated under the National Historic Preservation Act, 36CFR800, and both the Forest Service Handbook and Manual.

“Adverse effects” are always negative to this non-renewable resource. While a determination of “no adverse effect” can be either positive or negative to the resource itself, the determination is defined by regulation as adverse as it has the ability to impact or alter those aspects of the Heritage Property that allow for an “eligible” determination. These determinations are based on a legal standard with defined remedies and are rarely considered controversial within the Panhandle area.

Issue 2: Several planned actions include possible concerns with “Maintaining integrity of traditional resources of concern and sacred sites for American Indian tribes. Integrity includes access to those resources and maintaining confidentiality where appropriate.” (FW-DC-AI-01). Ensuring treaty and executive order rights reserved by Tribes are either protected or enhanced (FW-DC-AI-02).

Methodology

Data was collected and analyzed as per 36CFR800; the *Programmatic Memorandum of Agreement between the USDA Forest Service, Northern Region, the Advisory Council on Historic Preservation, and the Idaho State Historic Preservation Officer Regarding Cultural Resources Management on Specified Northern Region National Forests in the State of Idaho*; and in consultation with the Tribal Historic

Preservation Officers and cultural program officers of the Federally Recognized Tribes of interest and the Idaho State Historic Preservation Officer (SHPO).

As required under 36CFR800.3(a), the “area of potential effect” (APE) was defined for this project to include only those areas of “undertaking” as defined 36CFR800.16(y). These undertaking areas comprise the entire area where data collection was conducted, however analysis may be extended outside of that APE if warranted by cultural, but not necessarily Heritage Property, issues.

Specific data collection methods utilized involved accepted scientific inventory practices including pedestrian surveys and shovel test probes along areas defined as high and medium probability for the location of Heritage Properties as determined by previous site location data, literature and historic records search, and consultation with university, SHPO, and Tribal colleagues.

Analysis was based on the potential for project activities to adversely affect the eligibility of those heritage properties, Traditional Cultural Properties (TCPs), and Historic Properties of Religious and Cultural Significance to Indian Tribes (HPRCSITs) determined to be eligible or those of undetermined eligibility for nomination to the National Register of Historic Places.

Resource Indicators and Measures

Table 1. Resource condition indicators and measures for assessing effects.

Issue	Indicator or Measure	Source
The element(s) exist for the determination of eligibility to the National Register of Historic Places for all TCPs, HPRCSITs, Historic Properties and sites of undetermined eligibility.	<u>Indicator:</u> The element(s) that qualify the site for nomination to the NRHP. <u>Measure:</u> “no adverse effect” as defined under 36CFR800.5(3)(b): If an activity can foreseeably alter the element(s) that qualify the historic property for inclusion in or eligibility for the NRHP, but can be mitigated in consultation with SHPO and ACHP.	National Historic Preservation Act 36CFR800.5(3)(b) FSM 2364.02(4) FSM 2364.03 FSM 2364.11
The element(s) exist for the determination of eligibility to the National Register of Historic Places for all TCPs, HPRCSITs, Historic Properties, and sites of undetermined eligibility.	<u>Indicator:</u> The element(s) that qualify the site for nomination to the NRHP. <u>Measure:</u> “adverse effect” as defined under 36CFR800.5(1): If an activity can foreseeably remove the element(s) that qualify the historic property for inclusion in or eligibility for the NRHP .	National Historic Preservation Act 36CFR800.5(1) FSM 2364.02(4) FSM 2364.03 FSM 2364.11

Environmental Consequences

Heritage resource management issues are predicated on maintaining the heritage property’s eligibility for nomination to the National Register of Historic Places (NRHP). NRHP eligibility is defined by law and regulation as:

The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. that are associated with events that have made significant contribution to the broad patterns of our history; or
- B. that are associated with the lives of persons significant in our past; or

- C. that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. that have yielded, or may be likely to yield, information important in prehistory or history.

Effects, therefore, include those proposed project activities that could directly, indirectly, and/or cumulatively impact the property's eligibility to the NRHP by impacting any of the above listed criteria or quality of significance.

Direct and Indirect Effects – No Action and Proposed Action

Summary of Effects

Alternative 1 (No Action)

By strict definition, direct and indirect effects (40 CFR 1508.8) and cumulative effects (40 CFR 1508.7) result from a proposed action. Regardless, under the No Action Alternative for this project the potential direct, indirect, and cumulative effects to cultural resources could be profound if no action is taken.

Without some level of vegetation and multi-utilization restoration work in areas of complex, wooden, historic properties, as well as planned recreation management of those properties, historic era cultural resources are at high risk of adverse effect from environmental forces, including: wildfire and environmental degradation as well as continued vandalism and inappropriate use by unconstrained recreation.

Alternative 2 (Proposed Action)

The proposed activities of alternative 2 are expected to have no direct or indirect effects on known NRHP eligible heritage properties within the project planning area through planned avoidance and, where necessary, targeted design features (Tables 2 and 3, below).

Cumulative Effects of the Proposed Action, Alternative 2

Past, Present, and Foreseeable Activities Relevant to Cumulative Effects Analysis

Past, ongoing, and foreseeable actions that have affected, and may continue to affect, heritage resources in the project planning area include timber harvest, prescribed fire, wildfires and associated suppression and rehabilitation activities, road and trail construction and/or maintenance, and dispersed recreational use. Some level of artifact removal during the 20th century by members of the public has most certainly occurred and most probably continues at a reduced rate. Past road and trail construction has caused the most direct effects to historic and pre-contact era trails existed. Timber harvests have occurred relatively recently and to a limited extent and as a result, direct and indirect effects to heritage sites have been minimal. Large fires have impacted areas within the project boundaries, with the likelihood of having impacted both historic era and pre-contact era sites.

Potential impacts that heritage sites might incur from such ongoing and foreseeable actions such as noxious weed treatment, prescribed burning, hazard tree removal, recreation improvements, and any other potential undertakings common in lands management would be assessed and, if necessary, the potential impact would be avoided, minimized, or mitigated through the NHPA Section 106 process in consultation with the Idaho SHPO and the Kootenai Tribe of Idaho where appropriate.

Previous timber harvest projects, modern mining activity, wildfires, livestock grazing, firewood cutting, recreational activities, and construction of Forest Service roads, have had incremental adverse effects on the cultural properties that have been identified within the Westside Restoration project area. With the implementation of the project design features for heritage resources, there is minimal risk of additional incremental degradation of the cultural properties associated with the Proposed Action.

In evaluating the proposed action for severity of impact to heritage properties: we do not foresee any adverse effect on any property: TCPs, HPRCSITs, listed, eligible for listing, or of undetermined eligibility for listing on the National Register of Historic Places. There will be no loss or destruction of significant scientific, cultural, or historical resources.

Design Features

Table 2. General design features: heritage properties within or adjacent to any “undertakings.”

Protection Measure	Circumstance
To occur outside heritage resource boundaries	Slash piling, either by hand or ground-based machines including moving or pulling materials, landings and other staging areas, skid trails, and other areas utilized for project operations.
Avoiding, buffering, or mitigating impacts to the sites	All cultural resources (including the unanticipated discovery of any historic or pre-contact era cultural sites) including buildings, trails, mining or logging camps and chutes, and all other heritage properties
Avoiding/ protecting during burning activities	All eligible and potentially eligible (unevaluated) historic properties with structural remains or other combustible feature types
To be assessed by an IPNF archaeologist prior to implementation	Slash burning within site boundaries, landings placed outside of harvest units
Inadvertent location of human remains	If during project activities cultural material or human remains are encountered, all work will cease immediately and the zone or forest archaeologist contacted and the approved Region 1 “Unanticipated Discovery Plan and Discovery of Human Remains Protocols” (Plan) will be implemented. This Plan will be incorporated into special provision C6.24# to protect these resources. A mitigation plan, if needed, will be developed in consultation with the Idaho State Historic Preservation Officer (SHPO), appropriate Tribal Historic Preservation Officer(s) (THPO(s)), and Federally Recognized Tribes of Interest, if appropriate.
Inadvertent location of heritage resources not previously located	Heritage resources (including any newly encountered historic or pre-contact era sites) including buildings, trails, mining or logging camps and chutes, and associated properties would be protected by avoiding, buffering, or mitigating impacts to the sites. This includes caves, sinkholes, vertical shafts, and related features protected by the Federal Cave Resources Act of 1988. Site specific measures for known cultural resource sites would be incorporated into special provision C6.24# or required by the heritage resources report. The decision to avoid, protect or mitigate impacts to these sites would be in accordance with the National Historic Preservation Act.

Table 3. Table of specific design features.

Site	Location	Design Feature
10-BY-0113	Adjacent to burn unit 6	Burton Peak Fire Lookout Cabin; the Lookout will have in place a buffer sufficient to protect the structure from the effects of fire, but no less than 200 feet. Fire staff will monitor the protection of the Lookout prior to and during all activities and adjust plans when necessary to protect the Lookout, up to and including fire protection wrapping if necessary. Hands on Lookout protection will include heritage staff involvement prior to implementation.
10-BY-0114	Within or adjacent to burn units 6, 8, 10; cut units 68, 69, 71; precommercial thin units 249, 251, 258, 260, 261, 268, 271, 281, 282, 283, 284, 285, and 286	This historic liner site is also actively managed Forest Service Trail. All continued maintenance will be within the original trail tread. Any maintenance outside of the tread will be cleared through the heritage program and the Idaho SHPO prior to implementation. All changes and/or alterations to the historic FS Trail will be restored through those measures defined within the recreation trails design features for this trail.
10-BY-0175	Adjacent to cut units 53T and 53S and at temporary road	A no less than 50' buffer around the external site boundary to protect the site from the temporary road construction. No parking, staging, or other intrusion into the site area by project activities or equipment.
10-BY-0180	Within cut unit 53T, adjacent to temporary roads 19 and 20 and temporary road 19 crosses the trail at one point.	The eastern-most extent of this historic liner site is also actively managed Forest Service Trail. All continued maintenance where the FS trail and the historic trail overlap will be within the original trail tread. The one crossing made by temporary road 19 will be restored through those measures defined within the recreation trails design features for this trail.
HPRCSIT 1	Adjacent to and within burn unit 6	The Kootenai Tribe of Idaho will continue to consult on the American Indian Rights and Concern issues adjacent to and at this burn unit (general Burton Peak area). All issues will be resolved through project redesign, monitoring, mitigation, and/or other agreed upon methods prior to the signing of the Decision Notice.
HPRCSIT 2	Adjacent to burn unit 6, cut unit 64, precommercial unit 265	The Kootenai Tribe of Idaho will continue to consult on the American Indian Rights and Concern issues adjacent to and at these units (general Mack Creek area). All issues will be resolved through project redesign, monitoring, mitigation, and/or other agreed upon methods prior to the signing of the Decision Notice.

Consistency with Relevant Laws, Regulations, and Policy

Land and Resource Management Plan

The *Land Management Plan, 2015 Revision: Idaho Panhandle National Forests* (forest plan) provides standards and guidelines for Cultural (Heritage) Resources management, but not to Section 106 compliance.

- a. FW-DC-CR-01: Cultural resources are inventoried, evaluated for inclusion on the National Register of Historic Places, and managed according to their allocation category, including preservation, enhancement-public use, or scientific investigation. National Register ineligible cultural resources may be released from active management. Until evaluated, cultural resources are treated as National Register eligible.
- b. All TCPs, HPRCSITs, and cultural resources located within the project area are evaluated for inclusion in the NRHP and managed as per that eligibility determination.

- c. As defined and codified by our Programmatic Agreement with the Idaho SHPO, all identified cultural resources within the project area are documented and evaluated for eligibility to be nominated to the National Register of Historic Places. Unless other design criteria are defined for specific sites, all eligible historic properties areas plus a 50' buffer will be protected from potential adverse effect by project design. The work is reported in the FOIA exempt Idaho SHPO in report *R2019010472545*, *Westside Restoration Project Cultural Resource Inventory*, Beth Bigelow. Through these planned actions, this desired condition has been fully met.

Other Relevant Law, Regulation, or Policy

National Historic Preservation Act (NHPA) of 1966, as amended, specifically Section 106,

- a. NHPA is the foremost legislation that governs the treatment of cultural resources during project planning and implementation. Implementing regulations that clarify and expand upon the NHPA include: 36 CFR 800 Protection of Historic Properties; 36 CFR 63 Determination of Eligibility to the National Register of Historic Places; and 36 CFR 296 Protection of Archaeological Resources.
- b. This requirement was met. Section 106 of the NHPA is completed, including the good faith effort to locate, manage, and protect heritage properties within the projects' area of potential effect.
- c. The Section 106 process was completed to NHPA standard and will be concurred upon by the Idaho SHPO prior to final decision signature.

National Environmental Policy Act (NEPA)

- a. NEPA directs federal lands management agencies, in following the NHPA, to make a 'good faith effort' to locate heritage properties within project areas and to analyze the effects of the planned project activities on heritage properties and socio-cultural elements of the environment.
- b. This requirement was met. Section 106 of the NHPA is completed, including the good faith effort to locate, manage, and protect heritage properties within the projects' area of potential effect. Tribal consultation on heritage properties and socio-cultural elements was completed through appropriate Tribal consultation.
- c. The Section 106 process was completed to NHPA standard and will be concurred upon by the Idaho SHPO prior to final decision signature.

Other Guidance or Recommendations

Programmatic Memorandum of Agreement between the USDA Forest Service, Northern Region, the Advisory Council on Historic Preservation, and the Idaho State Historic Preservation Officer Regarding Cultural Resources Management on Specified Northern Region National Forests in the State of Idaho. Signed: 2001

- a. The Northern Region (R1) of the Forest Service, the ACHP, and Idaho SHPO, signed a programmatic agreement regarding the completion of the NHPA, Section 106 mandate and the management of cultural resources on National Forest system lands in 2004. The agreement outlines specific procedures for the location, identification, evaluation, and protection of cultural resources during proposed activities in compliance with Section 106 of the National Historic Preservation Act.

- b. This requirement was met. As per the requirements as stated within this document, Section 106 of the NHPA is completed, including the good faith effort to locate, manage, and protect heritage properties within the projects' area of potential effect.
- c. The Section 106 process was completed to NHPA standard and will be concurred upon by the Idaho SHPO prior to final decision signature.

Summary

Through the analysis of known HPRCSITs and heritage properties within the proposed project area, potential adverse effects to those properties were identified and mitigated through project redesign. Therefore, there are no known "adverse effect" as defined under 36CFR800.5(1) or "no adverse effect" as defined under 36CFR800.5(3)(b) to heritage properties within this proposed project area.

References Cited

- Bigelow, Elizabeth E. 2020. R2019010472545, Westside Restoration Project Cultural Resource Inventory, Bonners Ferry Ranger District, Idaho Panhandle National Forests. This is a FOIA Exempt Document. Report located at: Idaho Panhandle National Forests, Supervisor's Office, 3815 North Schreiber Way, Coeur d'Alene, ID 83815
- No Author. 2001. Programmatic Memorandum of Agreement between the USDA Forest Service, Northern Region, the Advisory Council on Historic Preservation, and the Idaho State Historic Preservation Officer Regarding Cultural Resources Management on Specified Northern Region National Forests in the State of Idaho. Programmatic Agreement located at: Idaho Panhandle National Forests, Supervisor's Office, 3815 North Schreiber Way, Coeur d'Alene, ID 83815

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